

# United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/900,594	07/07/2001	James J. Mezey SR.	SMJ-003	4601
25199 75	590 04 16 2003			
LARRY WILI	=	EXAMINER		
122 CALISTOGA ROAD, PMB-301 SANTA ROSA, CA 95409-3702			LATTIN, CHRISTOPHER W	
			ART UNIT	PAPER NUMBER

2812 DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary  Examiner Christopher W Latin 2812  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - See 100 to 100 period of the property of the correspondence address If the period or reply specified above the manular gate of this communication.  - If the period or reply specified above the manular pate of this communication.  - If the period or reply specified above the manular pate of this communication.  - If the period or reply specified above the manular pate of the specified above the specified above the specified and pate of the specified above the specified above the specified and pate of the specified and pate of the specified above the specified and pate of the specified above the specified and pate of the specified above the	•		Application No.	Applicant(s)				
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1) Responsive to communication(s) filed on 07 February 2003.  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) are subject to to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved by disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some* c) None of:  Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	THE N - Exter after - If the - If NO - Failui - Any r earne	MAILING DATE OF THIS COMMUNICATION. Issues of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reperiod for reply is specified above, the maximum statutory period reto reply within the set or extended period for reply will, by statutely received by the Office later than three months after the mailing	136(a). In no event, however, may a reply be tired by within the statutory minimum of thirty (30) day if will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	nely filed  is will be considered timely the mailing date of this communication (D) (35 U.S.C. § 133).				
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Attachment(s)	Attachmer	nt(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	2) Notice	ce of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal					



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#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in-
- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Shin (U.S. Patent 6,214,116).

Shin teaches a method for maintaining the temperature of a wafer, rotating the wafer, inducing a gas flow having a velocity gradient substantially parallel to the wafer, controlling the temperature of the gas.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 1-11, 13, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin (U.S. Patent 6,214,116) in view of Desu (U.S. Patent 5,431,958).

Shin teaches a method of providing a process chamber, loading a wafer in a process zone, rotating the wafer, monitoring the temperature of the wafer while it is rotating (see e.g. column 10 line 20), flowing a preheated gas over the wafer (see e.g. column 6 line 65) in a direction parallel to the wafer, inducing a velocity gradient in the direction of the gas flow and maintaining the gas in zones held at preselected temperatures until the gas exits the process chamber, but fails to teach generating a substantially hot wall process zone in the process chamber using substantially isothermal sections of electrical resistance strip heater. Desu et al. teach that cold wall and hot wall processing zones with strip-shaped heaters are both well known as equivalents with varying advantages. Using a hot wall chamber rather than the cold wall chamber as Shin apparently suggests has the advantage of conceptual simplicity and high throughput. Thus, it would have been obvious to one skilled in the art at the time of the invention to use a hot wall processing chamber to decrease conceptual complexity and increase throughput.

Claims 11, 12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin in view of Desu et al. as applied to claims 9 and 10 above and further in view of Dietze et al. (U.S. Patent 5,685,906).

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Shin et al. are applied supra to claim 11, but fail to teach the use of the apparatus for forming silicon layers and therefore fail to teach using a silicon containing process gas. Dietz et al. teach a method of supplying a gas including silicon over a heated substrate to deposit a silicon layer. It would have been obvious to one skilled in the art at the time of the invention to supply a silicon containing gas in the chamber taught by Shin in order to form silicon layers as equivalent to the GaN layers taught by Shin. Although there is no suggestion in the Shin reference to use silicon, substitution of equivalents requires no express motivation as long as the prior art recognizes the equivalency. *In re Fount* 213 USPQ 532 (CCPA 1982); *In re Siebentritt* 152 USPQ 618 (CCPA 1967); *Graver Tank & Mfg. Co. Inc. v. Linde Air Products Co.* 85 USPQ 328 (USSC 1950). Here silicon and GaN are art equivalents as semiconductor layers.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Lattin whose telephone number is (703) 305-3017. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling, can be reached at (703) 308-3325. The fax numbers for this Group are (703) 872-9318 for responses to non-final actions and (703) 872-9319 responses to final actions.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

CWL *E* April 10, 2003

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